

FILED

Sixta John
NAME

AZ 9738
PRISON IDENTIFICATION/BOOKING NO.

Pleasant Valley State Prison
ADDRESS OR PLACE OF CONFINEMENT

P.O. Box 8540
Coalinga CA 93210

Note: If represented by an attorney, provide name, address, & telephone number. It is your responsibility to notify the Clerk of Court in writing of any change of address.

2019 FEB 21 PM 1:48

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDEBY [Signature]UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

John Joseph Sixta
FULL NAME (Include name under which you were convicted)

Petitioner,

CASE NUMBER:

EDCV19-00332 VAP

To be supplied by the Clerk of the United States District Court

(MAA)

CR

Criminal case under which sentence was imposed.

People of State of California
v.

NAME OF WARDEN or other authorized person having custody of
petitioner)

Respondent.

**PETITION FOR WRIT OF HABEAS CORPUS BY
A PERSON IN FEDERAL CUSTODY
(28 U.S.C. § 2241)**

INSTRUCTIONS - READ CAREFULLY

This petition shall be legibly handwritten or typewritten and signed by the petitioner under penalty of perjury. You must set forth CONCISELY the answer to each question in the proper space on the form. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury.

You must not attach separate pages to this petition except that ONE separate additional page is permitted in answering Question No. 9.

Upon receipt of a fee of \$5.00, your petition will be filed if it is in proper order.

If you are seeking leave to proceed *in forma pauperis* (without paying the \$5.00 filing fee and other court costs), then you must also execute the declaration on the last page, setting forth information that establishes your inability to pay the fees and costs of the proceedings or to give security therefor. If you wish to proceed *in forma pauperis*, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$25.00, you must pay the filing fee as required by the rule of the district court.

When the petition is completed, the original and 3 copies must be mailed to the Clerk of the United States District Court for the Central District of California, Edward R. Roybal Federal Building & U.S. Courthouse, 255 East Temple Street, Suite TS-134, Los Angeles, California 90012, ATTENTION: Intake/Docket Section.

Only one sentence, conviction, or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petitions.

PLEASE COMPLETE THE FOLLOWING: (Check appropriate number)

This petition concerns:

1. ☒ a conviction.
2. ☐ a sentence.
3. ☐ jail or prison conditions.
4. ☐ prison discipline.
5. ☐ a parole problem.
6. ☐ other.

PETITION

1. Place of detention Pleasant Valley State Prison
2. Name and location of court that imposed sentence Riverside County Superior Court (Southwest)
30755-D Auld Road Ste 2233, Murrieta CA 92563
3. The indictment number or numbers (if known) upon which, and the offense or offenses for which, sentence was imposed:
 - a. SWF 1400873
 - b. _____
 - c. _____
4. The date upon which sentence was imposed and the terms of the sentence:
 - a. 16 May 2015, 45 years plus (3) life terms
 - b. _____
 - c. _____
5. Check whether a finding of guilty was made:
 - a. ☐ After a plea of guilty
 - b. ☒ After a plea of not guilty
 - c. ☐ After a plea of nolo contendere
6. If you were found guilty after a plea of not guilty, check whether that finding was made by:
 - a. ☒ a jury
 - b. ☐ a judge without a jury
7. Did you appeal from the judgment of conviction or the imposition of sentence? ☒ Yes ☐ No
8. If you did appeal, give the following information for each appeal:

CAUTION: If you are attacking a sentence imposed under a federal judgment, you must first file a direct appeal or motion under 28 U.S.C. § 2255 in the federal court that entered the judgment.

- a. (1) Name of court Riverside County Superior Court
- (2) Result Reversed
- (3) Date of result 10/07/17
- (4) Citation or number of opinion _____

(5) Grounds raised (list each):

(a) Lack of territorial Jurisdiction

(b) _____

(c) _____

(d) _____

b. (1) Name of court Riverside County Superior Court

(2) Result Denied

(3) Date of result 08/28/2018

(4) Citation or number of opinion _____

(5) Grounds raised (list each):

(a) Statute of Limitations

(b) _____

(c) _____

(d) _____

9. State CONCISELY every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, attach a SINGLE page only behind this page.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date. You must state facts, not conclusions, in support of your grounds. A rule of thumb to follow: state WHO did exactly WHAT to violate your rights at WHAT time and place.

a. Ground one: Ineffective Assistance

Supporting FACTS (tell your story BRIEFLY without citing cases or law): The Public Defender only saw me (3) times for about (45) minutes total before the trial started, on (9) counts which could have gave me (135) years plus (9) Life Sentences. Plus he never found out if my Civil Rights were Violated.

b. Ground two: Failure to Counsel with Defendant

Supporting FACTS (tell your story BRIEFLY without citing cases or law): Due to lack of Counsel, he never talk about a plan of action or plea deals. He was working on another case for murder. He failed to prepare a defense due to Inadequate time spent consulting

- c. Ground three: Failed to Present "Alibi" Witnesses (and one of the Juror owned the place where I work at.

Supporting FACTS (tell your story BRIEFLY without citing cases or law): I gave him (14) names that would help my case. He wrote the names down, but never seek or interview Exculpatory witnesses. I also told my Public Defender (3) times, that one of the Juror's owned the place where I work at, on the weekends.

- d. Ground four: Counsel unprepared to Cross Examine Witnesses.

Supporting FACTS (tell your story BRIEFLY without citing cases or law): Due to lack of Counsel, he never ask me any question about the Victim's, or the place it took place at. Made absolutely "NO" preparations for trial, Counsel was unprepared for start of trial.

10. Have you filed previous petitions for habeas corpus, motions under Section 2255 of Title 28, United States Code, or any other applications, petitions, or motions with respect to this conviction? ☐ Yes ☒ No

11. If your answer to Question No. 10 was yes, give the following information:

- a. (1) Name of Court _____
(2) Nature of proceeding _____
(3) Grounds raised _____

(4) Result _____
(5) Date of result _____
(6) Citation or number of any written opinions or orders entered pursuant to each disposition.

**DECLARATION IN SUPPORT
OF REQUEST
TO PROCEED
IN FORMA PAUPERIS**

Petitioner

Respondent(s)

I, John Joseph Sixty, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? ☐ Yes ☒ No

a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer. _____

b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received. July 2014 6000 a month.

2. Have you received, within the past twelve months, any money from any of the following sources?

- a. Business, profession or form of self-employment? ☐ Yes ☒ No
- b. Rent payments, interest or dividends? ☐ Yes ☒ No
- c. Pensions, annuities or life insurance payments? ☒ Yes ☐ No
- d. Gifts or inheritances? ☐ Yes ☒ No
- e. Any other sources? ☐ Yes ☒ No

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months: Pension 3500 a month.

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts) ☐ Yes ☒ No

If the answer is yes, state the total value of the items owned: _____

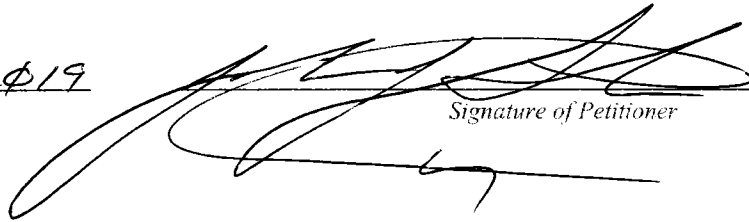
4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property? (Excluding ordinary household furnishings and clothing) ☐ Yes ☒ No

If the answer is yes, describe the property and state its approximate value: _____

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support: Lisa Sixta (wife) All
money from my Pension

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

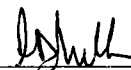
Executed on 23 Feb 2019
Date


Signature of Petitioner

CERTIFICATE

I hereby certify that the Petitioner herein has the sum of \$ 0.00 on account to his credit at the Pleasant Valley State Prison institution where he is confined. I further certify that Petitioner likewise has the following securities to his credit according to the records of said institution:

23 Feb 2019
Date

 H. DHILLON
Authorized Officer of Institution

CORRECTIONAL OFFICER
Title of Officer

- b. (1) Name of Court _____
(2) Nature of proceeding _____
(3) Grounds raised _____

(4) Result _____
(5) Date of result _____
(6) Citation or number of any written opinions or orders entered pursuant to each disposition.

12. If you did not file a motion under Section 2255 of Title 28, United States Code, or if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

13. Are you presently represented by counsel? ☐ Yes ☒ No

If so, provide name, address, and telephone number _____

Case name and court _____

14. If you are seeking leave to proceed *in forma pauperis*, have you completed the declaration setting forth the required information? ☐ Yes ☐ No

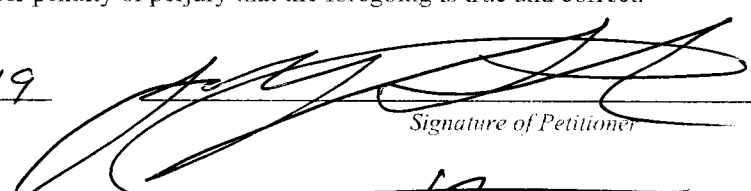
WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding,

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on

23 Feb 2019
Date


Signature of Petitioner

Date\Time: 1/14/2019 9:03:40 AM

CDCR

Verified: _____

Institution: PVSP

Inmate Statement Report

CDCR#	Inmate/Group Name	Institution	Unit	Cell/Bed
AZ9738	SIXTA, JOHN	PVSP	D 003 1	105001

Current Available Balance: \$0.00

Transaction List

Transaction Date	Institution	Transaction Type	Source Doc#	Receipt#/Check#	Amount	Account Balance
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No information was found for the given criteria.

Encumbrance List

Encumbrance Type	Transaction Date	Amount
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No information was found for the given criteria.

Obligation List

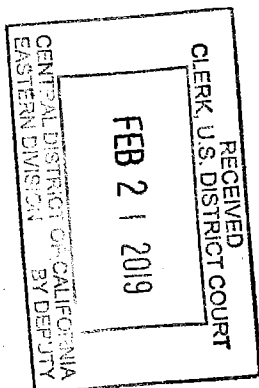
Obligation Type	Court Case#	Original Owed Balance	Sum of Tx for Date Range for Oblg	Current Balance
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No information was found for the given criteria.

Restitution List

Restitution	Court Case#	Status	Original Owed Balance	Interest Accrued	Sum of Tx for Date Range for Oblg	Current Balance
RESTITUTION FINE	SWF1400873	Active	\$6,000.00	\$0.00	\$0.00	\$6,000.00
DIRECT ORDER	SWF1400873	Active	\$911.59	\$0.00	\$0.00	\$811.59

Sixta, John
At 9738
DVSF
P.O. Box 8500
Coolidge, CA 93210



CERTIFIED MAIL

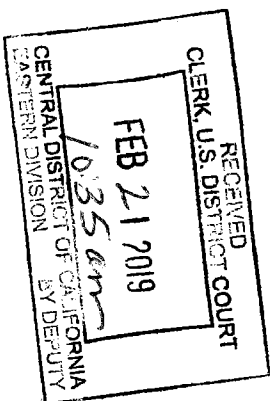


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United States Court House

3470 Twelfth Street, Rm # 134
Riverside, CA 92501

INTAKE



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